

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
MAJESTINE FOSTER, :
a/k/a "Books," :
:
Defendant. :
:
- - - - - X

SEALED
INDICTMENT

13 Cr. § 27

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2010, up through and including in or about October 2013, in the Southern District of New York and elsewhere, MAJESTINE FOSTER, a/k/a "Books," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MAJESTINE FOSTER, a/k/a "Books," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were: (1) 280 grams and more of mixtures and substances

containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A); and (2) mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

Overt Act

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, were committed in the Southern District of New York and elsewhere:

a. On or about September 24, 2010, MAJESTINE FOSTER, a/k/a "Books," the defendant, possessed five small bags, or twists, of crack cocaine in the vicinity of Intervale Place and Coyle Avenue, in Yonkers, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

5. From at least in or about 2010, up through and including in or about October 2013, in the Southern District of New York, MAJESTINE FOSTER, a/k/a "Books," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and, in furtherance of

such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms.

(Title 18, United States Code,
Sections 924(c) (1) (A) (i) and 2.)

FORFEITURE ALLEGATION

6. As a result of committing the controlled substance offense alleged in Count One of this Indictment, MAJESTINE FOSTER, a/k/a "Books," shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds FOSTER obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Assets Provision

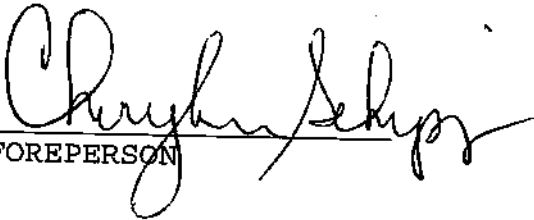
7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third person;
- c) has been placed beyond the jurisdiction of the Court;

d) has been substantially diminished in value;
or

e) has been commingled with other property
which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to Title 21,
United States Code, Section 853(p), to seek forfeiture of any
other property of the defendant up to the value of the above
forfeitable property.

(Title 21, United States Code, Section 853.)


FOREPERSON


PREET BHARARA
United States Attorney

